

C A D 10-1

## MEMORANDUM

## NATIONAL SECURITY COUNCIL

INFORMATION

(CONTAINS CODEWORD)

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May 12, 1973

MEMORANDUM FOR: MR. KISSINGER

FROM: WILLIAM L. STEARMAN *WLS*

SUBJECT: Communist Violations of the Cease-fire Agreement

JCS, NSA reviews completed.

Attached at Tab 16 is a comprehensive CIA report on Communist violations of the January 27 Vietnam Agreement. The report provides a factual basis for our allegations of Communist violations of Articles 2, 3, 7, 8, 15, 17, 18 and 20. The study includes a 16-page enumeration of illegal NVA logistics movements and four appendixes which detail all identified NVA/VC combat and administrative units in Laos and Cambodia. Summarized below are the highlights of the report; presented in a manner usable as talking points for your forthcoming meetings in Paris. Additional information provided by your staff is in brackets. (CIA has prepared a sanitized version of this report which you can hand over to Tho. The most sensitive part of the attached report is the identification of specific regiments. We do not want to pass this kind of information to the other side.)

Articles 2 and 3: Cessation of Attacks

-- According to GVN figures (January 27-May 9), the Communists have committed 1,924 major and 11,080 minor cease-fire violations. [CIA cannot vouch for the accuracy of these figures.]

-- Since its widespread cease-fire offensive, the other side has continued attacking GVN-held positions and towns, most notable at Tonle Cham and at Hong Ngu; [at Gia Hoa village in Ba Xuyen on May 3]; in Chuong Thien, Chau Doc, Bac Lieu and Dinh Thong Provinces; and west of Hue in MR-1 [where the ARVN has recently been driven out of two positions, FSB Veghel and FSB Helen].

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-- NVA forces have also fired rockets and mortars indiscriminately into many population centers (e.g. Tan Chau and Phan Thiet). They have also shelled in close proximity to ICCS team locations at Tri Ton and Hong Ngu.

-- Terrorism in GVN areas has increased and assassinations of officials and government supporters have doubled in the period March 1 to the present in contrast to the previous 6 week period. [A particularly brutal terrorist attack occurred at a Catholic religious gathering at Easter in Ninh Thuan when 20 people were killed and 86 wounded.]

-- [Frequent minings of the Vietnamese railway system in Bien Hoa Phu Yen, Long Khanh and Quang Nam/Thua Thien Provinces have obstructed civilian movement and commerce.]

-- The 272nd Regiment of the NVA 9th Division is in the process of relocating from MR-3 to MR-4 in violation of the freeze on movement of all military units.

Article 7

-- The DRV has failed to use its designated entry points for authorized replacement of equipment nor has it allowed ICCS inspection of equipment imports.

-- Since January 27, North Vietnam has infiltrated over 40,000 personnel into South Vietnam and adjacent areas. Post cease-fire infiltration starts have totaled some 16,000 personnel, including about 11,000 regular combat troops and 5,000 military and civilian specialists.

-- The DRV has moved more than 350 tanks (not including other armored vehicles) and several hundred long range field guns and AAA pieces into the South and adjacent areas. [Since October, some 600 tanks are conservatively estimated to have been sent south by Hanoi, surpassing the number committed a year earlier for the 1972 spring offensive.] In addition to the 50 plus artillery and AAA groups which have arrived mostly after the cease-fire, we should also include the several hundred guns belonging to the AAA regiments infiltrating after January 27.

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-- The DRV has probably moved into South Vietnam at least 4 regiments (one engineer and 3 AAA) plus major elements of 2 armor regiments. The personnel in these units -- 4,000 men -- are in addition to the 40,000 men who infiltrated south.

-- The following is a list of major units which we are certain arrived in South Vietnam after the cease-fire: [FYI: We should not give the other side the numbers of these regiments.]

- The 254th AAA Regiment (to Quang Tri in early February).
- The 593rd AAA Regiment (to Kontum Province by mid-March).
- The 3rd battalion of the 203rd NVA armor regiment (to Quang Tri in February).
- The 203rd NVA armor regiment headquarters (to MR-3 in late April).
- The 69th NVA artillery command (to Tay Ninh Province by March 20).
- The 239th NVA Engineer Regiment (to MR-2 and the COSVN area during April).
- The 245th NVA AAA Regiment (to Quang Tri Province).
- The 201st armor regiment (to Quang Tin Province).

-- NVA logistics movements across the DMZ and MR-1 and through the Laotian panhandle toward and into the lower three-quarters of south Vietnam have continued at a high pace since January. We have not as yet detected any signs indicating a reduction in the level of supplies moving southward; new transportation "offensives" have been announced within the past two weeks by units in the North Vietnamese panhandle and in southern Laos. The following is a list of some examples of illegal North Vietnamese logistic activity:

- A SAM-2 regiment with at least four firing battalions moved into the Khe Sanh area during the immediate cease-fire.

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• During the period February 1-10, 1,252 NVA cargo vehicles were observed traveling in the tri-border area of South Vietnam, Laos and Cambodia. On February 17, six 85mm artillery pieces were detected moving towards southern South Vietnam from this area.

• [ ] indicates that 350 NVA tanks were moved 25X1 through Laos and northeastern Cambodia between January 27 and the end of February.

• In Laos, we have detected over 2,000 southbound truck movements over the Ban Karai Pass and nearly 1,000 similar movements over Route 1033 since February 2. Also, since February 23 we have observed over 7,000 North Vietnamese trucks moving or parked in the central corridor of the Laotian panhandle on Routes 92c, 99, 9211 and 958.

• Within South Vietnam, 12x130mm field guns were personally observed by three witnesses being towed from Snoul, Cambodia to Loc Ninh in late February.

• During the period February 25-March 1, 5,160 NVA cargo vehicles were detected moving between logistics entities in the southern Lao panhandle.

• In northeastern Quang Tri Province, a major logistics unit was observed accepting or dispatching about 2,500 cargo vehicles in the period March 8-14.

• During March, an NVA unit northwest of Ban Bac moved 690 loaded vehicles into the A-Shau Valley.

• On April 15, a major NVA unit operating in the border area of northern MR-1 and Laos had over 8,000 tons of supplies in storage, of which 7,700 tons were weapons and ammunition.

• From March 29-April 1 nearly 200 NVA vehicles were observed traveling southward from Laos into northeastern Cambodia.

• On April 25-26, over 150 NVA vehicles were detected shuttling cargo from southern Laos into South Vietnam.

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Article 8: Captured Personnel

-- The GVN Joint General Staff stated that on January 27, 1973 a total of 31,810 RVNAF personnel were reported as captured or missing in action. As of March 28, only 5,018 of these prisoners had been returned while an additional 1,200 ARVN personnel have been reported as missing since the cease-fire.

-- Concerning civilian detainees, the other side has agreed to return only 637 GVN personnel out of an actual list of 67,501 civilians -- including 16,754 GVN cadre -- which Saigon claims have been detained since 1954.

-- The GVN has fully performed on its agreement to release 750 "PRG" detainees in exchange for 637 civilians held by the other side. In contrast, as of May 8, the PRG had released only 385 personnel in the current series of civilian exchange. More importantly, the GVN has claimed that this number included 111 military POW's. The GVN also claims that the total number of civilians detained by the "PRG" since 1954 is 67,501 (16,754 GVN cadre and 50,747 private civilians). The "PRG" continues to insist that it holds no civilians other than the 637 it has agreed to release.

Article 15: Reunification; Respect for the DMZ

-- In total disregard for the DMZ, thousands of tons of NVA military supplies and sizable numbers of troops have illegally crossed the DMZ into South Vietnam.

-- Sizable areas of Quang Tri Province below the DMZ have been annexed by North Vietnam and a civil administration installed which reports directly to authorities in Hanoi, without even the pretext of a local "PRG" government.

[-- In advance of any negotiation under Article 15 (c), significant numbers of North Vietnamese civilians are being moved into northern South Vietnam to repopulate areas under North Vietnamese control. At least 3,000 people, for example, have been initially relocated from Nghe An Province to an area just above the DMZ. Many of these people already have moved across the zone to settle in Quang Tri Province.]

Article 17: Two-Party Joint Military Commission

-- The other side has adopted a thoroughly negative attitude towards the Two-Party Commission. It has prevented the JMC from performing its functions under the Agreement. The following are some examples of the PRG's attitude:

-- The "PRG's" chief delegate (Tran Van Tra, himself an NVA general and alternate member of the Party Central Committee) has absented himself from all but the first JMC meeting (March 28).

. The "PRG" has refused to discuss GVN proposals for prompt agreement on organization and deployment.

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- The "PRG" has not seriously responded to GVN proposals to freeze the locations of major combat units and to begin delineation of zones of control.

- "PRG" delegates have refused to discuss GVN-proposed procedures for establishing cease-fires in areas under Communist attack, such as at Tonle Cham and Hong Ngu. The GVN understandably suspects that lower level contacts between opposing commanders will result in subversion/troop proselytizing and insists that only commanders who can control all forces in an area, including air and artillery, should deal with one another.

[-- The "PRG's" position on guaranteeing security and providing and respecting air corridors has severely impeded JMC movement. For example, on May 11, Communist forces fired on and forced the landing of a clearly-marked JMC helicopter performing a liaison flight for the "PRG" itself in an area 8 kilometers south of An Loc.]

#### Article 18: ICCS

- The unwillingness of the other side to ensure the safety of ICCS inspections, allow the travel of ICCS personnel in areas under its control or provide adequate health and support facilities at ICCS locations within its zone has seriously impaired ICCS operations.

[-- The "PRG," for example, has obstructed the resupply of the ICCS post at Duc Co and on April 29 the medical evacuation of a seriously-ill Indonesian officer. When evacuation of this post was ordered by central ICCS headquarters due to inadequate health facilities, the "PRG" delayed clearance and on May 2 obstructed the departure of Indonesian personnel.]

- Numerous shelling and rocket attacks by "PRG"/NVA forces have seriously threatened the safety of ICCS personnel at ICCS posts at Tri Ton and Hong Ngu district towns.

- Numerous instances of firing upon ICCS helicopters have further hindered the operation of the Commission. On April 7, for example, an ICCS helicopter was shot down in Quang Tri Province, killing all passengers. "PRG" obstructionism delayed removal of the wreckage for nearly one month. [More recently, ICCS helicopters have been fired upon near Vi Thanh on May 6 and again in Quang Tri on May 2. On May 8, a clearly marked ICCS jeep with a Canadian passenger was subjected to hostile fire in Dinh Tuong Province.]

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[-- PRG failure to guarantee security for ICCS teams also obstructed and caused delays in a series of civilian detainee releases scheduled for May 1-7.]

Article 20: Laos and Cambodia

-- In violation of Article 20, a total of 85,000 North Vietnamese combat and administrative/logistics personnel remain in Laos as of May 1, 1973, (38,000 combat and 47,000 support troops). As previously stated, North Vietnamese forces have continued to use Lao territory for the purpose of illegally infiltrating military personnel and vast amounts of supplies and heavy equipment into South Vietnam and northeastern Cambodia. In addition to maintaining their own forces in Laos, the NVA maintains an extensive advisory presence to Pathet Lao forces throughout Laos.

-- In Cambodia, there were approximately 25,400 North Vietnamese forces and 8,000 "PRG" military personnel, as of May 1. Of this total, 5,000 are believed to be performing combat assignments while 28,400 conduct important administrative/logistics missions (only 20% of the combat personnel are located in eastern Cambodia). The Vietnamese Communist logistics structure supports both the NVA/VC and the Khmer insurgents.

-- We also have good reason to believe that there are also a significant number of NVA advisors serving with Khmer insurgent forces up to 30 per battalion.

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